

RESOLUTION NO. A-_____

1 WHEREAS, it is desirable and in the public interest that the City of Lincoln,
2 Nebraska, a municipal corporation and a city of the primary class, undertake and carry
3 out urban redevelopment projects in areas of the City which are determined to be
4 substandard and blighted and in need of redevelopment; and

5 WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943,
6 as amended, known as the Community Development Law, is the urban renewal and
7 redevelopment law for the State of Nebraska and prescribes the requirements and
8 procedures for the planning and implementation of urban redevelopment projects; and

9 WHEREAS, the City in accordance with its Home Rule Charter and the laws of
10 the State of Nebraska applicable to cities of the primary class has duly prepared and
11 approved a general plan for the development of the City known as its Comprehensive
12 Plan, all as required by Section 18-2110, R.R.S. 1943; and

13 WHEREAS, this Council has received and duly considered evidence relating to
14 the present condition of the 48th and O Streets Redevelopment Area, as shown and
15 described on Attachment "A"; and

16 WHEREAS, this Council has received and duly considered other evidence,
17 including evidence relating to the scope and limitations of the nearby redevelopment
18 plans in the area, and the inability of the other plans to effectively remedy the
19 substandard and blighted conditions;

1 WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska
2 requires that said area must be found to be both substandard and blighted in order for
3 tax increment financing to be used in said area; and

4 WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to
5 the preparation by the City of an urban redevelopment plan for a redevelopment project
6 for the 48th and O Streets Redevelopment Area, this Council as governing body of the
7 City, by resolution, after review and recommendation from the Lincoln City Lancaster
8 County Planning Commission, find and determine that said area is both a substandard
9 and blighted area as defined in said Community Development Law, and in need of
10 redevelopment; and

11 WHEREAS, on July 9, 2004 notice of public hearing was mailed, postage
12 prepaid, to the president or chairperson of the governing body of each county, school
13 district, community college, educational service unit, and natural resource district in
14 which the real property subject to such plan is located and whose property tax receipts
15 would be directly affected and to all registered neighborhood associations located in
16 whole or in part within one mile radius of the area to be redeveloped setting forth the
17 time, date, place, and purpose, of the public hearing to be held on July 21, 2004 before
18 the Lincoln City - Lancaster County Planning Commission regarding the proposed
19 determination that the 48th and O Streets Redevelopment Area be declared a blighted
20 and substandard area as defined in the Nebraska Community Development Law, a
21 copy of said notice and list of said registered neighborhood associations having been
22 attached hereto as Attachment "B" and "C" respectively; and

23 WHEREAS, the Lincoln City-Lancaster County Planning Commission on July 21,
24 2004 recommended that the 48th and O Streets Redevelopment Area be found to be

1 both a substandard and blighted area as defined in said Community Development Law
2 and the evidence demonstrates that said 48th and O Streets Redevelopment Area as
3 shown and described on Attachment "A" constitutes both a substandard and blighted
4 area as defined in said Community Development Law, which area is in need of
5 redevelopment.

6 WHEREAS, on August 4, 2004 a notice of public hearing was mailed, postage
7 prepaid, to the foregoing governing bodies and registered neighborhood associations
8 setting forth the time, date, place, and purpose of the public hearing before the City
9 Council to be held on August 16, 2004 regarding the proposed determination that the
10 48th and O Streets Redevelopment Area be declared a blighted and substandard area
11 as defined in the Nebraska Community Development Law, a copy of said notice having
12 been attached hereto as Attachment "D"; and

13 WHEREAS, on July 30, 2004 and August 6, 2004 a notice of public hearing was
14 published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and
15 purpose of the public hearing to be held on August 16, 2004 regarding the proposed
16 determination that the 48th and O Streets Redevelopment Area be declared a blighted
17 and substandard area as defined in the Nebraska Community Development Law, a
18 copy of such notice having been attached hereto and marked as Attachment "E"; and

19 WHEREAS, on August 16, 2004 in the City Council Chambers of the County City
20 Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public
21 hearing relating to the proposed that the 48th and O Streets Redevelopment Area be
22 declared a blighted and substandard area as defined in the Nebraska Community
23 Development Law and all interested parties were afforded at such public hearing a
24 reasonable opportunity to express their views respecting said proposed plan; and

1 WHEREAS, the City Council has duly considered all statements made and
2 materials submitted relating to said proposed determination.

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
4 Lincoln, Nebraska:

5 1. That it is hereby found and determined that the 48th and O Streets
6 Redevelopment Area as shown and described on Attachment "A", constitutes both a
7 substandard and blighted area as defined by subsections (10) and (11), respectively, of
8 Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of
9 redevelopment.

10 2. That it is hereby found and determined that substandard and blighted
11 conditions exist as set forth and discussed in Attachment "F" (entitled Blight and
12 Substandard Determination Study) attached hereto and incorporated herein as though
13 fully set forth verbatim.

14 3. That such substandard and blighted conditions are beyond remedy and
15 control solely by regulatory process and the exercise of police power and cannot be
16 dealt with effectively by the ordinary operations or private enterprise without the aids
17 provided by the Community Development law, specifically including Tax Increment
18 Financing. The elimination of said substandard and blighted conditions under the
19 authority of the Community Development Law is found to be a public purpose and in the
20 public interest.

21 4. That it is hereby found and determined that said area is an eligible site for
22 urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska
23 Revised Statutes of 1943, as amended.

1 BE IT FURTHER RESOLVED that the Department of Urban Development as the
2 duly designated community development agency for the City of Lincoln is hereby
3 authorized and directed to immediately proceed with the preparation of a new
4 redevelopment plan and associated projects for the 48th and O Streets Redevelopment
5 Area, which plan shall be prepared in accordance with the requirements and
6 procedures of said Chapter 18, Article 21, for ultimate review and consideration by this
7 Council.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor